IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 20175 of 2001

Between:
Karumanchi Bhadraiah.

..... PETITIONER

AND

District Collector, Khammam district & another

.....RESPONDENTS

THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 20175 of 2001

ORDER:

This writ petition is filed by the petitioner seeking writ of mandamus declaring the action of the 2nd respondent in not complying with the proceedings of the 1st respondent dated 20.7.2000, and the 1st respondent in not releasing the compensation to the petitioner, as illegal, arbitrary and unconstitutional as well as against the provisions of the SC., ST (Prevention of Atrocities) Act, 1989, and sought for further direction to pay the compensation.

2. According to the petitioner, the petitioner's son was murdered with reference to which Crime No. 7 of 1998 was registered under Sec.302, 201 read with Sec.34 IPC with Madhira Rural Police Station. Though the petitioner and the victim, who was murdered, belong to the Schedule Caste, as this fact was not incorporated either in the FIR or in the Charge Sheet, the petitioner made a representation to the 1st respondent, basing on which the 1st respondent passed an order on 20.07.2000 directing the 2nd respondent to incorporate in the charge sheet to consider the possibility of incorporating the relevant section of law in the charge sheet and send a copy of it. Thereafter, according to the petitioner, the 2nd respondent did not take any further action. Further, even though the petitioner is entitled for compensation, even

that compensation is also not paid. Hence, the present writ petition.

3. A counter is filed admitting the fact of incident. However, it is stated that the provisions of SC & ST (POA) Act, 1989 and Rules made therein have no application to the present case. It is stated that the son of the petitioner, by name K. Venkateshwarlu, went to the outskirts of the Jalimudi village to consume toddy, where he was murdered by some unknown persons. During the course of investigation, it is established that the son of the petitioner was murdered by one Vangala Bhadraiah and two others due to the bad character of the deceased. The accused killed the petitioner's son, as he was committing theft of toddy and also due to the illegal intimacy with the wife of Badraiah (A-1). The cause of the offence was not on the ground that the deceased belongs to the Schedule Caste community. The caste of the accused is Gouda, and the caste of the petitioner is Schedule Caste. The provisions of the said Act, therefore, cannot be invoked, as there is no intention on the part of the accused to commit the offence on the ground of the caste of the deceased. It is also stated that the offence being murder, the accused were charged under Sec.302 IPC for which the maximum punishment prescribed in the IPC is 'capital punishment', which was also the punishment provided under the SCs., and STs.,(POA) Act. Therefore, there is no need to add any provisions of the said Act. Since the deceased was indulged in an illegal activity, which had

resulted in the offence committed by the accused, but not because of the fact that the deceased belongs to the Schedule Caste. Therefore, the provisions of the said Act have no application.

4. Heard both sides and considered the material on record.

5. In view of the above rival contentions, it is clear that the offence said to have been committed by the accused against the deceased son of the petitioner is not on the ground that the deceased or the petitioner belongs to the Schedule Caste community, and therefore, the provisions of the SCs and STs (POA) Act have no application. At the time of hearing, the learned counsel, however, relied upon G.O.Ms.No.3, dated 16.1.1996, which was issued by the Government specifying the circumstances under which the compensation has to be paid. Even as per the said Government order, the petitioner's case could not fall in any of the categories mentioned in the said G.O. In view of the same, the petitioner is not entitled to any relief in the present writ petition.

6. Hence, the writ petition is, accordingly, dismissed. No costs.

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S.ANANDA REDDY.J

Dated: 11..07..2007
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THE HON'BLE MR. JUSTICE S.ANANDA REDDY

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WRIT PETITION No.20175 of 2001

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Dt. 11..07..2007